THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19096 of 2006

Dated: 18-09-2006

Between:

M/s Ganga Beverages, Anangtapur.

..... PETITIONER

AND

The General Manager, Department of Industries,
Anantapur District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.19096 of 2006

ORDER:

M/s Ganga Beverages, a proprietary concern, is the petitioner seeking a writ of Mandamus declaring the action of the respondents in threatening to close down the unit as illegal, arbitrary and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India.

The petitioner-unit obtained provisional S.S.I.[1] registration certificate from the Department of Industries and set up water purifying plant. Respondent No.1 has taken a policy decision not to allow the registration of S.S.I. units engaged in manufacture of purifying water unless they have B.I.S.[2] certificates as required under Clause 28 Rule 49 of the Prevention of Food Adulteration Rules, 1955. The petitioner-unit alleges that on the ground that it does not possess BIS, the respondents are threatening to close down the unit.

At the stage of admission itself, the learned Assistant Government Pleader for Industries and Commerce has obtained instructions. He has placed before this Court the memo dated 06-11-2002 issued by the Commissioner of Industries directing all the General Managers to issue S.S.I. registration certificates with conditional endorsement stating that the mineral water units should compulsorily get B.I.S. certificates before going into commercial production. Subsequent thereto respondent No.1 issued a communication in August, 2005 to the petitioner-unit advising it to obtain B.I.S. certification and also informing that if it fails to do so, action will be initiated to deregister S.S.I. registration, to stop the incentives and informing APTRANSCO to disconnect power. In view of this the submission of the petitioner-unit that without notice there is threat of closing down the unit cannot be accepted. Now that respondent No.1 has already issued communication in August, 2005, to the

petitioner-unit, liberty is given to the petitioner-unit to approach respondent No.1 after obtaining B.I.S. certificate for the unit engaged in manufacture of purifying water. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

18th September, 2006
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[1] Small Scale Industry

[2] Bureau of Indian Standards